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10/020,049	12/12/2001	Richter A. Rafey	080398.P462	4458

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EXAMINER

JOHNSON, ALAN M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/020,049	Applicant(s) RAFEY ET AL.	
	Examiner Alan M. Johnson	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/11/04, 7/8/02</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because implied language "target duration is disclosed" is recited in line 2. Correction is required. See MPEP § 608.01(b). Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Information Disclosure Statement

2. Our database indicates that three information disclosure statements were filed. The examiner has considered the information disclosure statements for 7/8/2002 and 3/11/04. However, the IDS for 6/8/02 was not received. If applicant submitted an IDS on 6/8/02, then applicant should re-submit the IDS for consideration on the merits. If the Office is in error, then applicant should indicate that the IDS dated 6/8/02 does not exist.

Claim Rejections - 35 USC § 102

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-19 is rejected under 35 U.S.C. 102(e) as being anticipated by Sezan (6,236,395).

Considering claims 1 and 14, Sezan discloses a method and corresponding apparatus comprising arranging content (program or video) for viewing based upon a user specified duration (col. 8 lines 32-36).

As for claim 2, Sezan discloses a method wherein arranging further comprises selecting content (program or video) based upon content preferences (descriptors, col. 8 lines 10-14) and (col. 8 lines 34-36 and, the user is interested in basketball games and indicates a desire to view “a descriptor” games col. 9 lines 60-65) and providing selected content for no more than the user specified duration (col. 8 lines 34-36 and indicates a desire to view a 5 minute highlight col. 9 lines 60-65).

In regards to claim 3, Sezan discloses a method wherein providing is selected from the group consisting of presenting the arranged content (program)

to the user (col. 9 lines 19-24) and storing the arranged content (col. 9 lines 20-23).

As for claim 4, Sezan discloses a method where in the content preferences (descriptors, col. 8 lines 10-14) are selected from the group consisting of preferences set by an editorial staff (harmonized with existing EPG, col. 13 lines 1-13)
b. and preferences set by the user (col. 5 lines 37-43).

With respect to claim 5, Sezan discloses a method where in the content further comprises data enabling selection of content based upon content and preferences (col. 5 lines 46-50.).

Regarding claim 6, Sezan discloses a method wherein the content preferences selected from the group consisting of explicitly developed user preferences (col. 5 lines 37-50) and implicitly developed preferences based upon at least one user's usage (col. 5 lines 50-66).

As for claim 7, Sezan discloses a method wherein
a. specifying a time budget for recording a program (col. 8 lines 33-36)
b. and arranging content based upon priorities to fit within the time budget (col. 8 lines 33-36). The knowledge based system (analysis module 42) takes into

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account what is most important to the user based on prior programs that the user has viewed therefore when this knowledge based system arranges content in a fashion to best summarizes what the system thinks that the user would most likely want to view, it is arranging the content based on the users viewing priorities.

Considering claim 8, Sezan discloses a method wherein comprising storing arranged content (col. 9 lines 5-8 and lines 78-52).

With respect to claim 9, Sezan discloses a method wherein priorities are selected from the group consisting of user preferences and priorities of content providers (col. 11 lines 43-45 and col. 12 lines 56-63).

As for claim 10 Sezan discloses a method comprising

- a) receiving content (video, audio, still image) and associated data (18 Fig. 1 program description scheme) indicating content segment locations, (program views including key frames, segment definitions, highlight definitions, thumbnail set of frames, col. 4 lines 40-55), descriptions (program profiles define distinctive characteristics of the content col. 4 lines 59-67), and duration (col. 5 lines 22-26)
- b) arranging selected content in accordance with a time budget (col. 3 Lines 28-31 and "different lengths of highlights" col. 4 lines 45-55 and "enables users to

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access information in varying detail amounts" col. 4 lines 55-61 and "the analysis module may invoke a knowledge based system to determine the highlights that best form the best 5 minute summary" col. 8 lines 32-36. These all come together to form a system that will arrange the content within a program to fit in the user specified time budget as well as give the most relevant information to the user based on the users preferences), the content selected determined using content segment location (col. 4 lines 40-55), descriptions (col. 4 lines 59-67), and duration (col. 5 lines 22-26).

As for claim 11, Sezan discloses a method wherein receiving comprises receiving multiple versions of content of varying lengths (different lengths of highlights col. 4 lines 43-52 and multiple levels of summary ranging from coarse to fine col. 4. lines 55-59), the arranging selecting a version of content within a the time budget (col. 8 lines 32-36).

In regards to claim 12, Sezan discloses a method wherein the descriptions comprise descriptions of the content (program profile) and the content segment locations comprise segment locations (program views) of corresponding descriptions. The program views comprises location of the descriptions because it controls how the program is viewed (col. 4 lines 40-59 and col. 5 lines 10-31)

Considering claim 13, Sezan discloses a method wherein arranging further comprises reorganization according the time budget and priorities provided in segment descriptions (col. 5 lines 3-6, col. 5 lines 37-50, col. 8 lines 10-36)

Regarding claim 15, Sezan discloses an apparatus wherein time duration of at least a portion of the content is indicated by data associated with the content, (18 Fig. 1, duration col. 5 lines 21-25), the apparatus further configured to identify time durations of segments of content (col. 4 lines 40-55) and arrange the content using identified time durations of segments (42 Fig. 2 which utilizes 90 Fig. 3 to determine the highlights that form the best 5 minute summary col. 8 lines 30-37).

Considering claim 16, Sezan discloses an apparatus configured to refine arrangement of content according to preferences (42 Fig. 2 and 90 Fig. 3).

With respect to claim 17, Sezan discloses an apparatus wherein the data comprises metadata (meta information col. 8 lines 63-65).

In regards to claim 18, Sezan discloses an apparatus configured to analyze user preferences, priorities, and time durations of segments and arrange content based upon user preferences, priorities and time duration. (42 Fig. 2 and 90 Fig.

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3) and (determine the highlights that form the best 5 minute summary col. 8 lines 30–37).

In response to claim 19, Sezan discloses an apparatus wherein the apparatus is located local to the storage device to store arranged data (home system col. 11. lines 23-26).

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan M. Johnson whose telephone number is (571)272-7916. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571)272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AJ



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